

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Town of North Providence School Department	)	File No. SLD-230703
North Providence, Rhode Island	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: July 9, 2002**

**Released: July 10, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by the Town of North Providence School Department (North Providence), North Providence, Rhode Island.<sup>1</sup> North Providence seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> In its decision, SLD rejected North Providence's Funding Year 2001 application for failure to satisfy minimum processing standards because North Providence submitted a Block 6 certification page using the Funding Year 2000 form instead of the Funding Year 2001 form.<sup>3</sup> In its Request for Review, North Providence asserts that the Funding Year 2000 form was the only form available on SLD's website in January of 2001, and that North

---

<sup>1</sup> Letter from Wayne Riendeau, Town of North Providence School Department, to Federal Communications Commission, filed July 31, 2001 (Request for Review).

<sup>2</sup> See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Wayne Riendeau, Town of North Providence School Department, dated July 13, 2001 (Administrator's Decision on Appeal). In prior years, this funding period was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus, the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously known as Funding Year 4, is now called Funding Year 2001. The funding period which begins on July 1, 2000 and ends on June 30, 2001, is now called Funding Year 2000.

Providence submitted a version using the correct form following the rejection of its original application.<sup>4</sup>

2. It is well established that applicants are responsible for ensuring that their applications are made on the correct forms.<sup>5</sup> Further, the Funding Year 2001 form was available on SLD's website in January of 2001, and, as SLD noted, North Providence's corrected form was not filed within the application filing window.<sup>6</sup> North Providence also argues that the corrected version, although not filed within the filing window, should be accepted because North Providence did not receive the rejection letter until after the filing window had closed.<sup>7</sup> However, because it is the responsibility of applicants to ensure that their applications use the correct form, the fact that North Providence did not receive notice of the rejection of its application until after the filing window had closed does not provide a basis for accepting a late-filed application.<sup>8</sup>

3. Further, construing North Providence's argument as a request for a waiver of the filing window for its corrected version, we find that a waiver is not appropriate. Although the Commission may waive any provision of its rules, a showing of good cause must support a waiver request.<sup>9</sup> A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.<sup>10</sup> We have repeatedly found that the inability to meet the filing window resulting from the need to file a corrected version after a minimum processing standards rejection is not a special circumstance warranting waiver of the window.<sup>11</sup> We therefore deny the Request for Review and affirm SLD for substantially the reasons stated in the Administrator's Decision on Appeal.

---

<sup>4</sup> Request for Review.

<sup>5</sup> See *Request for Review by Southern Adirondack Library System, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267054, CC Dockets No. 96-45 and 97-21, Order, DA 02-745, para. 10 (Com. Car. Bur. rel. April 4, 2002).

<sup>6</sup> See SLD website, <<http://www.sl.universalservice.org/form/>>; Administrator's Decision on Appeal.

<sup>7</sup> Request for Review at 1-2.

<sup>8</sup> *Request for Review by Southern Adirondack Library System, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-267054, CC Dockets No. 96-45 and 97-21, Order, DA 02-745, para. 11 (Wireline Comp. Bur. April 4, 2002) ("Applicants that fail to properly complete the required application or otherwise fail to follow program rules, run the risk that their applications may not be considered within the filing window.").

<sup>9</sup> 47 C.F.R. § 1.3; see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (*WAIT Radio*).

<sup>10</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio*, 897 F.2d at 1159 (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis).

<sup>11</sup> See, e.g., *Southern Adirondack* at paras. 9-13.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by the Town of North Providence School Department, North Providence, Rhode Island, on July 31, 2001 IS DENIED.

## FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau